THE INDIAN LIMITATION ACT XV OF 1877.

As amended by Regulation III of 1896.

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An Act for the Limitation of Suits, and for other purposes.

Preamble.

WHEREAS it is expedient to amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called the Indian Limitation Act, 1877.

Extent.

It extends to the whole of the Territories of Mysore;

Commencement.

and it shall come into force on the first day of January, 1878.

References to the Indian Limitation Act, 1871. Saving of titles already acquired. Saving of Contract Act, 1872, s. 25.

2. All references to the Indian Limitation Act, 1871, shall be read as if made to this Act; and nothing herein or in that Act contained shall be deemed to affect any title acquired, or to revive any right to sue barred, under that Act or under any enactment thereby repealed; and nothing herein contained shall be deemed to affect the Indian Contract Act, section 25.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"plaintiff" includes also any person from or through whom a plaintiff derives his right to sue; "applicant" includes also any person from or through whom an applicant derives his right to apply; and "defendant" includes also any person from or through whom a defendant derives his liability to be sued:

"easement" includes also a right, not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another, or anything growing in, or attached to, or subsisting upon, the land of another:

"bill of exchange" includes also a hundi and a cheque:

"bond" includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

"promissory note" means any instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:

"trustee" does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title:

"suit" does not include an appeal or an application:

"registered" means duly registered in the Territories of Mysore under the law for the registration of documents in force at the time and place of executing the document, or signing the decree or order, referred to in the context:

"foreign country" means any country other than the Territories of Mysore;

and nothing shall be deemed to be done in "good faith" which is not done with due care and attention.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Dismissal of suits, &c., instituted, &c., after period of limitation.

4. Subject to the provisions contained in sections 5 to 25 (inclusive), every suit instituted, appeal presented, and application made, after the period of limitation prescribed therefor by the second schedule hereto annexed, shall be dismissed, although limitation has not been set up as a defence.

Explanation.—A suit is instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is filed; and in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

Illustrations.

(*a*) A suit is instituted after the prescribed period of limitation. Limitation is not set up as a defence and judgment is given for the plaintiff. The defendant appeals. The appellate Court must dismiss the suit.

(*b*) An appeal presented after the prescribed period is admitted and registered. The appeal shall, nevertheless, be dismissed.

Proviso where Court is closed when period expires.

5. If the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, presented or made on the day that the Court re-opens:

Proviso as to appeals and applications for review.

Any appeal or application for a review of judgment may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not presenting the appeal or making the application within such period.

Limitation for certain appeals or applications for review of judgment.

5A. Whenever it is shown to the satisfaction of the Court that an appeal or an application for a review of judgment was presented after the expiration of the period of limitation prescribed for such appeal or application owing to the appellant or applicant having been misled by any order, or practice, or judgment of the Chief Court, such appeal or application, if otherwise in accordance with law, shall for all purposes be deemed by all Courts to have been presented within the period of limitation prescribed therefor.

Special and local laws of limitation.

6. When by any special or local law now or hereafter in force in the Territories of Mysore, a period of limitation is specially prescribed for any suit, appeal or application, nothing herein contained shall affect or alter the period so prescribed.

Legal disability.

7. If a person entitled to institute a suit or make an application be, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period, after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the second schedule hereto annexed.

Double and successive disabilities.

When he is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or when, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

When his disability continues up to his death, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

When such representative is at the date of the death affected by any such disability, the rules contained in the first two paragraphs of this section shall apply.

Disability of representative.

Nothing in this section applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

Illustrations.

(*a*) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accruer. He may institute his suit at any time within three years from the date of his attaining majority.

(*b*) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has, under the ordinary law, only one year remaining within which to sue. But under this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(*c*) A right to sue accrues to Z during his minority. After the accruer, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(*d*) A right to sue accrues to X during his minority. X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

(*e*) A right to sue for an hereditary office accrues to A, who at the time is insane. Six years after the accruer A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under this section.

(*f*) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. This section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

8. When one of several joint creditors or claimants is under any such disability, and when a discharge can be given without the concurrence of such person, time will run against them all: but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others.

Disability of one joint-creditor.

Illustrations.

(*a*) A incurs a debt to a firm of which B, C and D are partners. B is insane, and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(*b*) A incurs a debt to a firm of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

9. When once time has begun to run, no subsequent disability or inability to sue stops it:

Continuous running of time.

Provided that, where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, shall be barred by any length of time.

Suits against express trustees and their representatives.

11. Suits instituted in the Territories of Mysore on contracts entered into in a foreign country are subject to the rules prescribed by this Act.

Suits on foreign contracts.

No foreign rule of limitation shall be a defence to a suit instituted in the Territories of Mysore on a contract entered into in a foreign country, unless the rule has extinguished the contract and the parties were domiciled in such country during the period prescribed by such rule.

Foreign limitation law.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

Exclusion of day on which right to sue accrues.

12. In computing the period of limitation prescribed for any suit, appeal o application, the day from which such period is to b reckoned shall be excluded.

Exclusion in case of appeals and certain applications.

In computing the period of limitation prescribed for an appeal, an applicatio for leave to appeal as a pauper, and an applicatio for a review of judgment, the day on which the judg ment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed against, o sought to be reviewed, shall be excluded.

Where a decree is appealed against or sought to be reviewed, the time re quisite for obtaining a copy of the judgment on which it is founded shall als be excluded.

In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

Exclusion of time of defendant's absence from the Territories of Mysore.

13. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from the Territories of Mysore shall be excluded.

Exclusion of time of proceeding *bonâ fide* in Court without jurisdiction.

14. In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action, and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

Like exclusion in case of order under Code of Civil Procedure, section 20.

In computing the period of limitation prescribed for a suit, proceedings in which have been stayed by order under the Code of Civil Procedure, section 20, the interval between the institution of the suit and the date of so staying proceedings, and the time requisite for going from the Court in which proceedings are stayed to the Court in which the suit is re-instituted, shall be excluded.

Like exclusion in case of application.

In computing the period of limitation prescribed for any application, the time during which the applicant has been making another application for the same relief shall be excluded, where the last-mentioned application is made in good faith to a Court which from defect of jurisdiction, or other cause of a like nature, is unable to grant it.

Explanation 1.—In excluding the time during which a former suit or application was pending or being made, the day on which that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

Explanation 2.—A plaintiff resisting an appeal presented on the ground of want of jurisdiction shall be deemed to be prosecuting a suit within the meaning of this section.

Exclusion of time during which commencement of suit is stayed by injunction or order.

15. In computing the period of limitation prescribed for any suit, the institution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded.

Exclusion of time during which judgment-debtor is attempting to set aside execution-sale.

16. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor has been prosecuting a proceeding to set aside the sale shall be excluded.

Effect of death before right to sue accrues.

17. When a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

When a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

Nothing in the former part of this section applies to suits to enforce rights of pre-emption or to suits for the possession of immovable property or of an hereditary office.

Effect of fraud.

18. When any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded,

or where any document necessary to establish such right has been fraudulently concealed from him,

the time limited for instituting a suit or making an application—

(*a*) against the person guilty of the fraud or accessory thereto, or

(*b*) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document when he first had the means of producing it or compelling its production.

Effect of acknowledgment in writing.

19. If, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a new period of limitation, according to the nature of the original liability, shall be computed from the time when the acknowledgment was so signed.

When the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but oral evidence of its contents shall not be received.

Explanation 1.—For the purposes of this section an acknowledgment may be sufficient, though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation 2.—In this section "signed" means signed either personally or by an agent duly authorized in this behalf.

Effect of payment of interest as such.

20. When interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorized in this behalf,

Effect of part-payment of principal,

or when part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf,

a new period of limitation, according to the nature of the original liability, shall be computed from the time when the payment was made:

Provided that, in the case of part payment of the principal of a debt, the fact of the payment appears in the hand-writing of the person making the same.

Where mortgaged land is in the possession of the mortgagee, the receipt of the produce of such land shall be deemed to be a payment for the purpose of this section.

Effect of receipt of produce of mortgaged land.

21. Nothing in sections 19 and 20 renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed, or of a payment made by, or by the agent of, any other or others of them.

One of several joint contractors, &c., not chargeable by reason of acknowledgment or payment made by another of them.

22. When, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party:

Effect of substituting or adding new plaintiff or defendant.

Provided that, when a plaintiff dies, and the suit is continued by his legal representative, it shall, as regards him, be deemed to have been instituted when it was instituted by the deceased plaintiff:

Proviso where original plaintiff dies.

Provided also that, when a defendant dies and the suit is continued against his legal representative, it shall, as regards him, be deemed to have been instituted when it was instituted against the deceased defendant.

Proviso where original defendant dies.

23. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

Continuing breaches and wrongs.

24. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

Suit for compensation for act not actionable without special damage.

Illustrations.

(*a*) A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

(*b*) A speaks and publishes of B slanderous words not actionable in themselves without special damage caused thereby. C in consequence refuses to employ B as his clerk. The period of limitation in the case of a suit by B against A for compensation for the slander does not commence till the refusal.

25. All instruments shall, for the purposes of this Act, be deemed to be made with reference to the Gregorian calendar.

Computation of time mentioned in instruments.

Illustrations.

(*a*) A Hindu makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiry of four months after date computed according to the Gregorian calendar.

(*b*) A Hindu makes a bond, bearing a Native date only for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiry of one year after date computed according to the Gregorian calendar.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

Acquisition of right to easements.

26. Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, and as of right, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water or other easement shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

Explanation.—Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Illustrations.

(*a*) A suit is brought in 1881 for obstructing a right of way. The defendant admits the obstruction but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption, from 1st January, 1860, to 1st January, 1880. The plaintiff is entitled to judgment.

(*b*) In a like suit also brought in 1881 the plaintiff merely proves that he enjoyed the right in manner aforesaid from 1858 to 1878. The suit shall be dismissed, as no exercise of the right by actual user has been proved to have taken place within two years next before the institution of the suit.

(*c*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff, on one occasion during the twenty years, had asked his leave to enjoy the right. The suit shall be dismissed.

Exclusion in favor of reversioner of servient tenement.

27. Provided that, when any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the said last-mentioned period of twenty years, in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a Hindu widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Extinguishment of right to property.

28. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

THE SECOND SCHEDULE, FIRST DIVISION : SUITS.

(*See Section* 4.)

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part II.—Ninety days.	
2.—For compensation for doing, or for omitting to do, an act alleged to be in pursuance of any enactment in force for the time being in the Territories of Mysore.	Ninety days ..	When the act or omission takes place.
	Part III.—Six months.	
3.—Under the Specific Relief Act, 1877, section 9, to recover possession of immovable property.	Six months ..	When the dispossession occurs.
5.—Under the Code of Civil Procedure, Chapter XXXIX (*Of Summary Procedure on Negotiable Instruments*).	Do ..	When the instrument sued upon becomes due and payable.
	Part IV.—One year.	
6.—Upon a Statute, Act, Regulation or Bye-law, for a penalty or forfeiture.	One year ..	When the penalty or forfeiture is incurred.
7.—For the wages of a house-hold servant, artisan or labourer.	Do ..	When the wages accrue due.
8.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging-house.	Do ..	When the food or drink is delivered.
9.—For the price of lodging.	Do ..	When the price becomes payable.
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Do ...	When the purchaser takes, under the sale sought to be impeached, physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.
11.—By a person against whom an order is passed under sections 280, 281, 282 or 335 of the Code of Civil Procedure to establish his right to, or to the present possession of, the property comprised in the order.	Do ..	The date of the order.
12.—To set aside any of the following sales :— (*a*) sale in execution of a decree of a Civil Court ; (*b*) sale in pursuance of a decree or order of a Deputy Commissioner or other officer of revenue ; (*c*) sale for arrears of Government revenue, or for any demand recoverable as such arrears ; (*d*) sale of a patni taluk sold for current arrears of rent. *Explanation.*—In this clause "patni" includes any intermediate tenure saleable for current arrears of rent.	Do ..	When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
13.—To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.	Do ..	The date of the final decision or order in the case by a Court competent to determine it finally.

The Second Schedule, First Division: Suits.—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part IV—One year.	
14.—To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.	One year ..	The date of the act or order.
15.—Against Government to set aside any attachment, lease or transfer of immovable property by the revenue authorities for arrears of Government revenue.	Do ..	When the attachment, lease or transfer is made.
16.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Do ..	When the payment is made.
17.—Against Government for compensation for land acquired for public purposes.	Do ..	The date of determining the amount of the compensation.
18.—Like suit for compensation when the acquisition is not completed.	Do ..	The date of the refusal to complete.
19.—For compensation for false imprisonment.	Do ..	When the imprisonment ends.
20.—By executors, administrators or representatives under any law for the time being in force enabling executors, administrators or representatives to sue and be sued for wrongs done to a person deceased.	Do ..	The date of the death of the person wronged.
21.—By executors, administrators or representatives under Regulation II of 1892 (*to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong*).	Do ..	The date of the death of the person killed.
22.—For compensation for any other injury to the person.	Do ..	When the injury is committed.
23.—For compensation for a malicious prosecution.	Do ..	When the plaintiff is acquitted, or the prosecution is otherwise terminated.
24.—For compensation for libel.	Do ..	When the libel is published.
25.—For compensation for slander.	Do ..	When the words are spoken, or, if the words are not actionable in themselves, when the special damage complained of results.
26.—For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Do ..	When the loss occurs.
27.—For compensation for inducing a person to break a contract with the plaintiff.	Do ..	The date of the breach.
28.—For compensation for an illegal, irregular or excessive distress.	Do ..	The date of the distress.

The Second Schedule, First Division : Suits.—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part IV.—One year.	
29.—For compensation for wrongful seizure of movable property under legal process.	One year ..	The date of the seizure.
	Part V.—Two years.	
30.—Against a carrier for compensation for losing or injuring goods.	Two years ..	When the loss or injury occurs.
31.—Against a carrier for compensation for delay in delivering goods.	Do ..	When the goods ought to be delivered.
32.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Do ..	When the perversion first becomes known to the person injured thereby.
33.—Under any law for the time being in force enabling executors, administrators or representatives to sue and be sued for wrongs done to or by a person deceased against an executor, administrator or other representative.	Do ..	When the wrong complained of is done.
34.—For the recovery of a wife.	Do ..	When possession is demanded and refused.
35.—For the restitution of conjugal rights.	Do ..	When restitution is demanded and is refused by the husband or wife, being of full age and sound mind.
36.—For compensation for any malfeasance, misfeasance, or non-feasance independent of contract and not herein specially provided for.	Do ..	When the malfeasance, misfeasance or non-feasance takes place.
	Part VI.—Three years.	
37.—For compensation for obstructing a way or a watercourse.	Three years ..	The date of the obstruction.
38.—For compensation for diverting a watercourse.	Do ..	The date of the diversion.
39.—For compensation for trespass upon immovable property.	Do ..	The date of the trespass.
40.—For compensation for infringing copyright or any other exclusive privilege.	Do ..	The date of the infringement.
41.—To restrain waste.	Do ..	When the waste begins.
42.—For compensation for injury caused by an injunction wrongfully obtained.	Do ..	When the injunction ceases.
43.—Under the Indian Succession Act, 1865, section 320 or 321, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	Do ..	The date of the payment or distribution.
44.—By a ward who has attained majority, to set aside a sale by his guardian.	Do ..	When the ward attains majority.
47.—By any person bound by an order respecting the possession of property made under the Code of Criminal Procedure, 1882, Chapter XII, or the Mysore Land Revenue Code, 1888, or by any one claiming under such person, to recover the property comprised in such order.	Do ..	The date of the final order in the case.

The Second Schedule, First Division : Suits—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI.—Three years.	
48.—For specific movable property lost, or acquired by theft, or dishonest mis-appropriation or conversion, or for compensation for wrongfully taking or detaining the same.	Three years ..	When the person having the right to the possession of the property first learns in whose possession it is.
49.—For other specific movable property, or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Do ..	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.
50.—For the hire of animals, vehicles, boats or household furniture.	Do ..	When the hire becomes payable.
51.—For the balance of money advanced in payment of goods to be delivered.	Do ..	When the goods ought to be delivered.
52.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Do ..	The date of the delivery of the goods.
53.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Do ..	When the period of credit expires.
54.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Do ..	When the period of the proposed bill elapses.
55.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Do ..	The date of the sale.
56.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Do ..	When the work is done.
57.—For money payable for money lent.	Do ..	When the loan is made.
58.—Like suit when the lender has given a cheque for the money.	Do ..	When the cheque is paid.
59.—For money lent under an agreement that it shall be payable on demand.	Do ..	When the loan is made.
60.—For money deposited under an agreement that it shall be payable on demand.	Do ..	When the demand is made.
61.—For money payable to the plaintiff for money paid for the defendant.	Do ..	When the money is paid.
62.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Do ..	When the money is received.
63.—For money payable for interest upon money due from the defendant to the plaintiff.	Do ..	When the interest becomes due.

The Second Schedule, First Division : Suits—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI.—Three years.	
64.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Three years ..	When the accounts are stated in writing signed by the defendant or his agent duly authorised in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.
65.—For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	Do ..	When the time specified arrives or the contingency happens.
66.—On a single bond, where a day is specified for payment.	Do ..	The day so specified.
67.—On a single bond, where no such day is specified.	Do ..	The date of executing the bond.
68.—On a bond subject to a condition.	Do ..	When the condition is broken.
69.—On a bill of exchange or promissory note payable at a fixed time after date.	Do ..	When the bill or note falls due.
70.—On a bill of exchange payable at sight, or after sight but not at a fixed time.	Do ..	When the bill is presented.
71.—On a bill of exchange accepted payable at a particular place.	Do ..	When the bill is presented at that place.
72.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Do ..	When the fixed time expires.
73.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Do ..	The date of the bill or note.
74.—On a promissory note or bond payable by instalments.	Do ..	The expiration of the first term of payment as to the part then payable; and, for the other parts, the expiration of the respective terms of payment.
75.—On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one instalment, the whole shall be due.	Do ..	When the first default is made, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Do ..	The date of the delivery to the payee.

The Second Schedule, First Division Suits.—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI.—Three years.	
77.—On a dishonored foreign bill, where protest has been made and notice given.	Three years ..	When the notice is given.
78.—By the payee against the drawer of a bill of exchange, which has been dishonored by non-acceptance.	Do ..	The date of the refusal to accept.
79.—By the acceptor of an accommodation-bill against the drawer.	Do ..	When the acceptor pays the amount of the bill.
80.—Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Do ..	When the bill, note or bond becomes payable.
81.—By a surety against the principal debtor.	Do ..	When the surety pays the creditor.
82.—By a surety against a co-surety.	Do ..	When the surety pays anything in excess of his own share.
83.—Upon any other contract to indemnify.	Do ..	When the plaintiff is actually damnified.
84.—By an advocate or pleader for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Do ..	The date of the termination of the suit or business, or (where the advocate or pleader properly discontinues the suit or business) the date of such discontinuance.
85.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Do ..	The close of the year in which the last item admitted or proved is entered in the account; such year to be computed as in the account.
86.—On a policy of insurance, when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	Do ..	When proof of the death or loss is given or received to or by the insurers, whether by or from the plaintiff, or any other person.
87.—By the assured to recover premia paid under a policy voidable at the election of the insurers.	Do ..	When the insurers elect to avoid the policy.
88.—Against a factor for an account.	Do ..	When the account is, during the continuance of the agency, demanded and refused, or, where no such demand is made, when the agency terminates.
89.—By a principal against his agent for movable property received by the latter and not accounted for.	Do ..	Do do
90.—Other suits by principals against agents for neglect or misconduct.	Do ..	When the neglect or misconduct becomes known to the plaintiff.

The Second Schedule, First Division : Suits.—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI.—Three years.	
91.—To cancel or set aside an instrument not otherwise provided for.	Three years. ..	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
92.—To declare the forgery of an instrument issued or registered.	Do ..	When the issue or registration becomes known to the plaintiff.
93.—To declare the forgery of an instrument attempted to be enforced agianst the plaintiff.	Do ..	The date of the attempt.
94.—For property which the plaintiff has conveyed while insane.	Do ..	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
95.—To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Do ..	When the fraud becomes known to the party wronged.
96.—For relief on the ground of mistake.	Do ..	When the mistake becomes known to the plaintiff.
97.—For money paid upon an existing consideration which afterwards fails.	Do ..	The date of the failure.
98.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Do ..	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss.
99.—For contribution by a party who has paid the whole amount due under a joint decree, or by a sharer in a joint estate who has paid the whole amount of revenue due from himself and his co-sharers.	Do ..	The date of the plaintiff's advance in excess of his own share.
100.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Do ..	When the right to contribution accrues.
101.—For a seaman's wages.	Do ..	The end of the voyage during which the wages are earned.
102.—For wages not otherwise expressly provided for by this schedule.	Do ..	When the wages accrue due.
103.—By a Muhammadan for exigible dower (*mu'ajjal*).	Do ..	When the dower is demanded and refused, or (where during the continuance of the marriage, no such demand has been made) when the marriage is dissolved by death or divorce.
104.—By a Muhammadan for deferred dower (*mu'wajjal.*)	Do ..	When the marriage is dissolved by death or divorce.

The Second Schedule, First Division : Suits—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI.—Three years.	
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Three years ..	When the mortgagor re-enters on the mortgaged property.
106.—For an account and a share of the profits of a dissolved partnership.	Do ..	The date of the dissolution.
107.—By the manager of a joint estate of an undivided family for contribution, in respect of a payment made by him on account of the estate.	Do ..	The date of the payment.
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Do ..	When the trees are cut down.
109.—For the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant.	Do ..	When the profits are received, or, where the plaintiff has been dispossessed by a decree afterwards set aside on appeal, when he recovers possession.
110.—For arrears of rent.	Do ..	When the arrears become due.
111.—By a vendor of immovable property to enforce his lien for unpaid purchase-money.	Do ..	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
112.—For a call by a Company registered under any Statute or Act.	Do ..	When the call is payable.
113.—For specific performance of a contract.	Do ..	The date fixed for the performance, or, if no such date is fixed, when the plaintiff has notice that performance is refused.
114.—For the rescission of a contract.	Do ..	When the facts entitling the plaintiff to have the contract rescinded first become known to him.
115.—For compensation for the breach of any contract, express or implied, not in writing registered and not herein specially provided for.	Do ..	When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.
	Part VII—Six years.	
116.—For compensation for the breach of a contract in writing registered.	Six years ..	When the period of limitation would begin to run against a suit brought on a similar contract not registered.
117.—Upon a foreign judgment as defined in the Code of Civil Procedure.	Do ..	The date of the judgment.

The Second Schedule, First Division : Suits.—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VII—Six years.	
118.—To obtain a declaration that an alleged adoption is invalid, or never, in fact, took place.	Six years ..	When the alleged adoption becomes known to the plaintiff.
119.—To obtain a declaration that an adoption is valid.	Do ..	When the rights of the adopted son, as such, are interfered with.
120.—Suit for which no period of limitation is provided elsewhere in this schedule.	Do ..	When the right to sue accrues.
	Part VIII.—Twelve years.	
121.—To avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, or in a patni taluk or other saleable tenure sold for arrears of rent.	Twelve years ..	When the sale becomes final and conclusive.
122.—Upon a judgment obtained in the Territories of Mysore, or a recognisance.	Do ..	The date of the judgment or recognisance.
123.—For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate.	Do ..	When the legacy or share becomes payable or deliverable.
124.—For possession of an hereditary office.	Do ..	When the defendant takes possession of the office adversely to the plaintiff. *Explanation.*—An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.
125.—Suit during the life of a Hindu or Muhammadan female by a Hindu or Muhammadan who, if the female died at the date of instituting the suit, would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her remarriage.	Do ..	The date of the alienation.
126.—By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.	Do ..	When the alienee takes possession of the property.
127.—By a person excluded from joint-family property to enforce a right to share therein.	Do ..	When the exclusion becomes known to the plaintiff.
128.—By a Hindu for arrears of maintenance.	Do ..	When the arrears are payable.
129.—By a Hindu for a declaration of his right to maintenance.	Do ..	When the right is denied.
130.—For the resumption or assessment of rent-free land.	Do ..	When the right to resume or assess the land first accrues.

The Second Schedule, First Division: Suits—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VIII.—Twelve years.	
131.—To establish a periodically recurring right.	Twelve years ..	When the plaintiff is first refused the enjoyment of the right.
132.—To enforce payment of money charged upon immovable property. *Explanation.*—The allowance and fees respectively called *malikana* and *haqqs* shall, for the purpose of this clause, be deemed to be money charged upon immovable property.	Do ..	When the money sued for becomes due.
133.—To recover movable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depositary or pawnee for a valuable consideration.	Do ..	The date of the purchase.
134.—To recover possession of immovable property conveyed or bequeathed in trust or mortgaged and afterwards purchased from the trustee or mortgagee for a valuable consideration.	Do ..	Ditto.
135.—Suit by a mortgagee for possession of immovable property mortgaged.	Do ..	When the mortgager's right to possession determines.
136.—By a purchaser at a private sale for possession of immovable property sold, when the vendor was out of possession at the date of the sale.	Do ..	When the vendor is first entitled to possession.
137.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was out of possession at the date of the sale.	Do ..	When the judgment-debtor is first entitled to possession.
138.—By a purchaser of land at a sale in execution of a decree, for possession of the purchased land, when the judgment-debtor was in possession at the date of the sale.	Do ..	The date of the sale.
139.—By a landlord to recover possession from a tenant.	Do ..	When the tenancy is determined.
140.—By a remainderman, a reversioner (other than a landlord) or a devisee, for possession of immovable property.	Do ..	When his estate falls into possession.
141.—Like suit by a Hindu or Muhammadan entitled to the possession of immovable property on the death of a Hindu or Muhammadan female.	Do ..	When the female dies.
142.—For possession of immovable property, when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Do ..	The date of the dispossession or discontinuance.
143.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Do ..	When the forfeiture is incurred or the condition is broken.
144.—For possession of immovable property or any interest therein not hereby otherwise specially provided for.	Do ..	When the possession of the defendant becomes adverse to the plaintiff.

The Second Schedule, First Division : Suits—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part IX—Thirty years.	
145.—Against a depositary or pawnee to recover movable property deposited or pawned.	Thirty years ..	The date of the deposit or pawn.
	Part X—Sixty years.	
147.—By a mortgagee for foreclosure or sale.	Sixty years ..	When the money secured by the mortgage becomes due.
148.—Against a mortgagee to redeem or to recover possession of immovable property mortgaged.	Do ..	When the right to redeem or to recover possession accrues.
149.—Any suit by or on behalf of the Government of Mysore.	Do ..	When the period of limitation would begin to run under this Act against a like suit by a private person.
SECOND DIVISION : *Appeals.*		
150.—Under the Code of Criminal Procedure, 1882, from a sentence of death passed by a Sessions Judge.	Seven days ..	The date of the sentence.
151.—From a decree or order of the Chief Court in the exercise of its original jurisdiction.	Twenty days ..	The date of the decree or order.
152.—Under the Code of Civil Procedure to the Court of a District Judge.	Thirty days ..	The date of the decree or order appealed against.
154.—Under the Code of Criminal Procedure, 1882, to any Court other than the Chief Court.	Do ..	The date of the sentence or order appealed against.
155.—Under the same Code to the Chief Court except in the cases provided for by No. 150 and No. 157.	Sixty days ..	Ditto.
156.—Under the Code of Civil Procedure to the Chief Court, except in the case provided for by No. 151.	Ninety days ..	The date of the decree or order appealed against.
157.—Under the Code of Criminal Procedure, 1882, from a judgment of acquittal.	Six months ..	The date of the judgment appealed against.
158.—Under the Code of Civil Procedure to set aside an award.	Ten days ..	When the award is submitted to the Court.
THIRD DIVISION : *Applications.*		
159.—For leave to appear and defend a suit under Chapter XXXIX of the Code of Civil Procedure.	Do ..	When the summons is served.
160.—For an order under section 629 of the same Code, restoring to the file a rejected application for review.	Fifteen days ..	When the application for review is rejected.
160A.—For a review of judgment by a Court of Small Causes, or by a Court invested with the jurisdiction of a Court of Small Causes when exercising that jurisdiction.	Do ..	The date of the decree or order.
162.—For a review of judgment by the Chief Court in the exercise of its original jurisdiction.	Twenty days ..	Ditto.
163.—By a plaintiff, or an order to set aside a dismissal by default.	Thirty days ..	The date of the dismissal.

The Second Schedule, Third Division : Applications.—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
164.—By a defendant, for an order to set aside a judgment *ex parte*.	Thirty days ..	The date of executing any process for enforcing the judgment.
165.—Under the Code of Civil Procedure by a person dispossessed of immovable property, and disputing the right of the decree-holder or purchaser at a sale in execution of a decree to be put into possession.	Do ..	The date of the dispossession.
166.—To set aside a sale in execution of a decree, on the ground of irregularity in publishing or conducting the sale, or on the ground that the decree-holder has purchased without the permission of the Court.	Do ..	The date of the sale.
167.—Complaining of resistance or obstruction to delivery of possession of immovable property decreed, or sold in execution of a decree, or of dispossession in the delivery of possession to the decree-holder or the purchaser of such property.	Do ..	The date of the resistance, obstruction or dispossession.
168.—For re-admission of an appeal dismissed for want of prosecution.	Do ..	The date of the dismissal.
169.—For a re-hearing of an appeal heard *ex parte* in the absence of the respondent.	Do ..	The date of the decree in appeal.
170.—For leave to appeal as a pauper.	Do ..	The date of the decree appealed against.
171.—Under section 371 of the Code of Civil Procedure, or under that section and section 582 of the same Code, for an order to set aside an order for abatement or dismissal.	Sixty days ..	The date of the order for abatement or dismissal.
172.—By a purchaser at an execution-sale, to set aside the sale on the ground that the person whose interest in the property purported to be sold had no saleable interest therein.	Do ..	The date of the sale.
173.—For a review of judgment, except in the cases provided for by No. 160A and No. 162.	Ninety days ..	The date of the decree or order.
173A.—For the issue of a notice under section 258 of the Civil Procedure Code to show cause why the payment or adjustment therein mentioned should not be recorded as certified, when a process in execution of the judgment has been executed upon the applicant within one year of such payment or adjustment.	Do ..	From the date of executing such process.
174.—By a creditor of an insolvent judgment-debtor under section 353 of the Code of Civil Procedure.	Do ..	The date of the publication of the schedule.
175.—For payment of the amount of a decree by instalments.	Six months ..	The date of the decree.

The Second Schedule, Third Division: Applications—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
175A.—Under section 365 of the Code of Civil Procedure by the legal representative of a deceased plaintiff, or under that section and section 582 of the same Code by the legal representative of a deceased plaintiff-appellant or defendant-appellant.	Six months ..	The date of the death of the deceased plaintiff or of the deceased plaintiff-appellant or defendant-appellant.
175B.—Under section 366 of the Code of Civil Procedure by a defendant, or under that section and section 582 of the same Code by a plaintiff-respondent or defendant-respondent.	Do ..	The date of the death of the deceased plaintiff or of the deceased defendant-appellant or plaintiff-appellant.
175C.—Under section 368 of the Code of Civil Procedure to have the legal representative of a deceased defendant made a defendant, or under that section and section 582 of the same Code to have the legal representative of a deceased plaintiff-respondent or defendant-respondent made a plaintiff-respondent or defendant-respondent.	Do ..	The date of the death of the deceased defendant or of the deceased plaintiff-respondent or defendant-respondent.
176.—Under the Code of Civil Procedure, section 516 or 525, that an award be filed in Court.	Do ..	The date of the award.
177A.—For the issue of a notice under section 258 of the Civil Procedure Code to show cause why the payment or adjustment therein mentioned should not be recorded as certified in cases other than those provided for in Article 173A.	One year ..	When the payment or adjustment is made.
178.—Applications for which no period of limitation is provided elsewhere in this schedule, or by the Code of Civil Procedure, section 230.	Three years ..	When the right to apply accrues.
179.—For the execution of a decree or order of any Civil Court not provided for by the Code of Civil Procedure, section 230.	Ditto; or, where a certified copy of the decree or order has been registered, six years.	1 The date of the decree or order, or 2 (where there has been an appeal) the date of the final decree or order of the Appellate Court, or 3 (where there has been a review of judgment) the date of the decision passed on the review, or 4 (where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution, or to take some step in aid of execution of the decree or order, or 5 (where the notice next hereinafter mentioned has been issued) the date of issuing a notice under the Code of Civil Procedure, section 248, or

The Second Schedule, Third Division: Applications—*concluded.*

Description of application.	Period of limitation.	Time from which period begins to run.
179.—For the execution of a decree or order of any Civil Court not provided for by the Code of Civil Procedure, section 230.	Three years; or, where a certified copy of the decree or order has been registered, six years.	6 (where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date. *Explanation I.*—Where the decree or order has been passed severally in favor of more persons than one, distinguishing portions of the subject-matter as payable or deliverable to each, the application mentioned in clause 4 of this No. shall take effect in favor only of such of the said persons or their representatives as it may be made by. But when the decree or order has been passed jointly in favor of more persons than one, such application, if made by any one or more of them, or by his or their representatives, shall take effect in favor of them all. Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject-matter as payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may be made against. But where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all. *Explanation II.*—"Proper Court" means the Court whose duty it is (whether under section 226 or 227 of the Code of Civil Procedure or otherwise) to execute the decree or order.